

### DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Therapeutic Monoclonal Antibodies that Neutralize Botulinum Neurotoxins** the specification of which \_\_\_\_ is attached hereto or X was filed on August 31, 1998 as Application No. 09/144,886 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

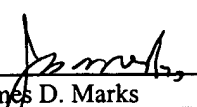
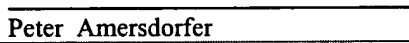

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status




Full Name of Inventor 1:	Last Name: Marks	First Name: James	Middle Name or Initial: D.
Residence & Citizenship:	City: Kensington	State/Foreign Country: CA	Country of Citizenship: United States of America
Post Office Address:	Post Office Address: 107 Ardmore Road	City: Kensington	State/Country: CA Postal Code: 94707
Full Name of Inventor 2:	Last Name: Amersdorfer	First Name: Peter	Middle Name or Initial:
Residence & Citizenship:	City: Boston	State/Foreign Country: MA	Country of Citizenship: Austria
Post Office Address:	Post Office Address: 108 St. Botolph St., Apt. 3	City: Boston	State/Country: MA Postal Code: 02115

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  James D. Marks	Signature of Inventor 2  Peter Amersdorfer	Signature of Inventor 3 
Date 10/21/98	Date	Date

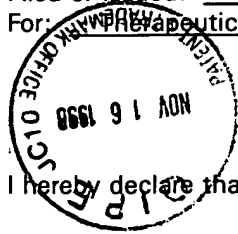
SF 166854 v1

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
 James D. Marks	 Peter Amersdorfer	
Date	Date 10-5-1998	Date

SF 166854 v1

Applicant or Patentee: James D. Marks et al. Docket No. 2307E-082600  
Serial or Patent No.: 09/144,886 U. C. Case No. 98-013-1  
Filed or Issued: August 31, 1998  
For: Therapeutic Monoclonal Antibodies that Neutralize Botulinum Neurotoxins



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**[37 CFR § 1.9(f) and § 1.27(d)]--NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: **The Regents of the University of California**  
ADDRESS OF ORGANIZATION: **1111 Franklin Street, 12<sup>th</sup> Floor**  
**Oakland, California 94607-5200**

**TYPE OF ORGANIZATION**

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 601(c) (3)]  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OR THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 501(c) (3)] IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR § 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled Therapeutic Monoclonal Antibodies that Neutralize Botulinum Neurotoxins  
by inventor(s) James D. Marks and Peter Amersdorfer described in

- ☐ the specification filed herewith  
☒ application serial no. 09/144,886, filed August 31, 1998  
☐ Patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under **contract or law** have been conveyed to and remain with the nonprofit organization with regard to the above identified invention [except for a license to a Federal Agency pursuant to USC § 202 (c) (4)].

If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR § 1.27).

NAME N/A  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR § 1.28(b)]

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine of imprisonment, or both, under 18 USC § 1001, and may jeopardize the validity of the application, any patent issuing thereon, or any patent which this verified statement is directed.

NAME OF PERSON SIGNING: **Linda S. Stevenson**  
TITLE IN ORGANIZATION: **Principal Prosecution Analyst, Office of Technology Transfer**  
ADDRESS OF PERSON SIGNING: **1111 Franklin Street, 5<sup>th</sup> Floor**  
**Oakland, California 94607-5200**

SIGNATURE Linda S. Stevenson

DATE October 30, 1998